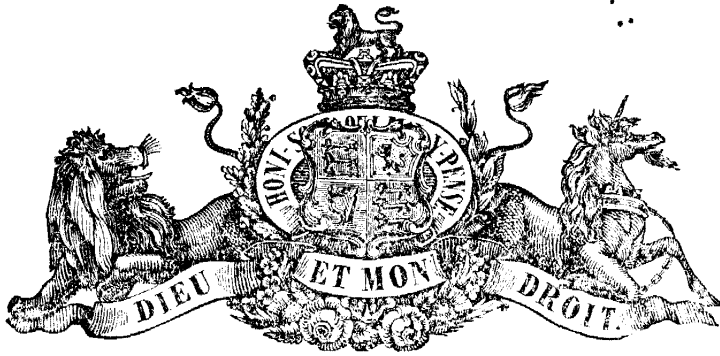


No. 414 Q' 87, S. 60.



ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

No. 6.

An Act to regulate the construction and management of Electric Telegraphs.

[Assented to, 19th November, 1857.]

*Official Printers
Geo. G. & Co. 17, Queen's Lane, 1857.*

WHEREAS it is expedient to provide for the construction, establishment, maintenance, and protection of lines of communication by electric telegraph, in South Australia—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. From and after the passing of this Act, every line of communication by electric telegraph constructed or to be constructed in the said Province, at the public expense, shall be under and subject to the several provisions of this Act, and the several rules and regulations hereby authorized to be made as hereinafter mentioned.

Present and future lines to be subject to this Act, and rules to be made.

2. It shall be lawful for the Governor with the advice and consent of the Executive Council to appoint a proper person to superintend the construction, establishment, management, maintenance, and protection of lines of communication of electric telegraph, and such other officers, clerks, and servants as may be necessary; and such person, officers, clerks, and servants, from time to time to remove and appoint others in their stead; such person, officers, clerks, and servants to be under the control of the Commissioner of Public Works.

Governor-in-Chief may appoint and remove Superintendent, and officers, &c.

3. It shall be lawful for any person so appointed by the Governor, or acting under his authority, to enter into and upon any lands in the said Province, for any of the purposes of this Act.

Power to enter on land.

Telegraph posts may
be set up, &c.

4. It shall be lawful for any such person to erect, set up, and maintain all masts or posts for the supporting of any cord or wire of any such line in and upon any of the lands of the Crown, any shore of the sea, and any road, and to make all needful and necessary excavations in the same for erecting or placing such masts or posts, and also for laying down subterranean lines of communication: Provided that every cord or wire of any such line, if above the surface crossing any road, be placed at least sixteen feet from the ground; and that the free use and enjoyment of any road, and the navigation of any inlet, bay, river, creek, or lake, over, along, across, or underneath which any such cord, or wire, or line of communication may pass be not hindered or obstructed further than is absolutely necessary for the proper construction, establishment, and maintenance of any such line of communication.

Power for Governor
to make rules, &c.

5. It shall be lawful for the Governor with the advice and consent of the Executive Council to make rules and regulations appointing the amount of fees, rates, or dues, to be demanded or received for the transmission or conveyance of any despatch, message, or communication, by means of any such line, and for the due delivery thereof respectively, and for copies of any such despatch, message, or communication; and also for the transmission and conveyance of all despatches, messages, or communications, by means of any such line, and for the payment of such fees, rates, and dues, and generally for the conduct, management, working, and maintenance of any such line of communication; and any such rule, or regulation, to repeal, alter, or vary, and make such others as may be deemed expedient: Provided that a copy of every such rule, or regulation, shall be published in the *South Australian Government Gazette*, and shall be laid before the Parliament, if then sitting, or within one month after the commencement of the next ensuing Session thereof, if not then sitting.

Payment of rates, &c.

6. All such fees, rates, or dues, so to be appointed as aforesaid, shall be paid to such person, at such place, and in such manner, as may be directed in such rules and regulations as aforesaid; and, in case of refusal or neglect of payment of any such fee, rate, or due, or any part thereof, on demand, to the person appointed to receive the same, such person may sue for and recover the same in any Court of competent jurisdiction.

Messages, &c., how to
be transmitted.

7. It shall be the duty of any such person, and of all officers, servants, or workmen, employed in the working or operating of any such line of communication, to transmit all messages, despatches, or communications, in the order in which they are received, under a penalty of not less than One Pound nor exceeding Fifty Pounds: Provided that any message in relation to the arrest of criminals, the discovery or prevention of crime, or any other matter connected with the administration of justice, and all Government messages, or despatches, shall be transmitted in preference to any other message or despatch.

8. Any

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8. Any person who shall wilfully in any way disturb, obstruct, or interrupt, the free use or working of any such line of communication, or any works incidental thereto, or connected therewith, or shall wilfully attach any string, wire, or any conductor, or other thing, to any line of communication, or any part thereof, without the authority of the superintendent of the said line, or shall obstruct, hinder, or prevent the forming, constructing, completing, and maintaining any such line of communication, or any part thereof, shall, on conviction, forfeit a sum not less than Five Pounds nor more than One Hundred Pounds, or be imprisoned, with hard labor, for any period not exceeding six calendar months, at the discretion of the Justices adjudicating.

Penalty for injuring telegraph or works, or stopping line, &c.

9. Any officer, clerk, operator, or other person employed in the working of any such line as aforesaid, divulging the contents of any message, despatch, or communication, transmitted or conveyed, or to be transmitted or conveyed by any such line, without the consent of the person sending or receiving such message, despatch, or communication, shall, on conviction, be liable to a fine not exceeding One Hundred Pounds, or be imprisoned with hard labor for any period not exceeding six months, at the discretion of the Justices adjudicating.

Secresy.

10. It shall be lawful for any person whosoever, with or without warrant, to apprehend any person who shall be found offending against any of the provisions of this Act, and to deliver him to some constable, or to convey him before some Justice of the Peace, to be dealt with according to law; and any person resisting any person acting in execution of the provisions of this Act, shall be liable, on conviction, to a penalty not exceeding Twenty Pounds, or to imprisonment with hard labor for any period not exceeding two months.

Apprehension of offenders.

11. All proceedings under this Act shall be had and taken in a summary way, and no such proceedings shall be quashed for want of form, or removed, by *certiorari* or otherwise, into the Supreme Court; and every conviction or commitment for any offence under this Act, in which such offence shall be set forth in the words of the Act, shall be valid and sufficient; and in any information or other proceeding, it shall be sufficient to state any property of any such line as aforesaid, or any part thereof, or of any work connected therewith, to belong to and to lay it in any such Superintendent as aforesaid: Provided that in case of any adjudication in which the penalty inflicted shall exceed Ten Pounds, or the imprisonment awarded shall exceed fourteen days, any person aggrieved by such adjudication may appeal against the same.

Want of form. No *certiorari*.

12. All fees, rates, and dues, received under the provisions hereof, shall be paid to Her Majesty, Her heirs, and successors, for the public uses of the said Province, and in support of the Government thereof, and all fines and penalties recovered under this Act shall be paid, one-half to Her Majesty, Her heirs and successors, for the uses aforesaid, and

Appropriation.

and the other half to the informer, or party prosecuting, who shall in all cases be deemed a competent witness.

Interpretation clause. 13. In the construction of the provisions of this Act, the word "Road" shall mean any public road, highway, street, lane, square, or passage.